

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED  
JAN 23 2013  
CLERK

UNITED STATES OF AMERICA : CRIMINAL NO.1:12-CR-43  
v. : (Judge Caldwell)  
RASHID ZIADEH, : (Magistrate Judge Carlson)  
:

**REPORT AND RECOMMENDATION**

The defendant appeared before me on this date and entered a plea of guilty to Counts III and V of the Indictment. Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the court conducted a full colloquy with the defendant and has determined the following:

1. That the defendant is fully competent and capable of entering an informed plea;
2. That the defendant is aware of the nature of the charges and the consequences of the plea;
3. That the plea of guilty is a knowing and voluntary plea;
4. That the plea is supported by an independent basis in fact containing each of the essential elements of the offense;
5. That no promises have been made to the defendant beyond those set forth in the plea agreement, and no one has threatened the defendant to induce the entry of a guilty plea.

On the basis of the foregoing, it is recommended that the court enter an Order adjudging the defendant guilty of the offenses, subject to any rights retained by the district court at sentencing pursuant to Rule 11. By separate Order, a presentence investigation was ordered with disclosure of the presentence report to the parties on or before May 23, 2013

The parties are further placed on notice that pursuant to Local Rule 72.3:

Any party may object to a magistrate judge's proposed findings, recommendations or report addressing a motion or matter described in 28 U.S.C. § 636 (b)(1)(B) or making a recommendation for the disposition of a prisoner case or a habeas corpus petition within fourteen (14) days after being served with a copy thereof. Such party shall file with the clerk of court, and serve on the magistrate judge and all parties, written objections which shall specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for such objections. The briefing requirements set forth in Local Rule 72.2 shall apply. A judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge, however, need conduct a new hearing only in his or her discretion or where required by law, and may consider the record developed before the magistrate judge, making his or her own determination on the basis of that record. The judge may also receive further evidence, recall witnesses or recommit the matter to the magistrate judge with instructions.

Submitted this 28<sup>th</sup> day of March, 2013.

Martin C. Carlson  
Martin C. Carlson  
United States Magistrate Judge